

90th Legislative Session – 2015

Committee: Senate Commerce and Energy

Thursday, February 05, 2015

P - Present
E - Excused
A - Absent

Roll Call

P Bradford
P Haggar (Jenna)
P Lederman
P Novstrup (David)
P Sutton
P Greenfield (Brock), Vice-Chair
P Curd, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Blake Curd, Chair.

MOTION: TO APPROVE THE MINUTES OF 2/3/15

Moved by: Greenfield (Brock)
Second by: Lederman
Action: Prevailed by voice vote.

THE CHAIR DEFERRED SB 138 UNTIL 2/10/15

THE CHAIR DEFERRED SB 165 UNTIL 2/17/15

SB 118: provide additional transparency for prescription drug plans.

Presented by: Senator Bruce Rampelberg (Handout: 1)
Proponents: Dennis Duncan, Pharmaceutical Research And Manufacturers Of America
Mike Shaw, Pfizer Inc.

MOTION: AMEND SB 118

On page 2, line 15, of the printed bill, after "an" insert "easily accessible".

On page 2, line 16, after "providers" insert "and facilities".

On page 2, line 19, after "providers" insert "and facilities".

On page 2, line 20, overstrike "and".

On page 3, line 1, delete everything after "the formulary" and insert "and a description of an easily accessible method to obtain a prior authorization or step edit requirement for each specific drug included on the formulary; and

(7) The description of the drug formularies in subdivision (6) shall be promptly updated with any adverse change.

The provisions of this section do not apply to plans that are not actively marketed by a carrier.

Section 2. This Act is effective January 1, 2016."

On page 3, delete lines 2 to 23, inclusive.

Moved by: Greenfield (Brock)
Second by: Lederman
Action: Prevailed by voice vote.

MOTION: DO PASS SB 118 AS AMENDED

Moved by: Greenfield (Brock)
Second by: Sutton
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Bradford, Haggart (Jenna), Lederman, Novstrup (David), Sutton, Greenfield (Brock),
Curd

SB 120: revise certain provisions regarding special alcoholic beverage licenses issued in conjunction with special events.

Presented by: Senator Larry Tidemann (Handouts: 2, 3)
Proponents: Tim Reed, Mayor of Brookings

MOTION: AMEND SB 120

120ra

On the printed bill, delete everything after the enacting clause and insert:

" Section 1. That § 35-4-124 be amended to read as follows:

35-4-124. Any municipality or county may issue:

- (1) A special malt beverage retailers license in conjunction with a special event within the municipality or county to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to subdivision 35-4-2(4), (6), or (16) in addition to any other licenses held by the special events license applicant;
- (2) A special on-sale wine retailers license in conjunction with a special event within the municipality or county to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to subdivision 35-4-2(4), (6), or (12) or chapter 35-12 in addition to any other licenses held by the special events license applicant;
- (3) A special on-sale license in conjunction with a special event within the municipality or county to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to subdivision 35-4-2(4) or (6) in addition to any other licenses held by the special events license applicant; ~~or~~
- (4) A special off-sale package wine dealers license in conjunction with a special event within the municipality or county to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to subdivision 35-4-2(3), (5), (12), (17A), or (19) or chapter 35-12 in addition to any other licenses held by the special events license applicant. A special off-sale package wine dealers licensee may only sell wine manufactured by a farm winery that is licensed pursuant to chapter 35-12;
- (5) A special off-sale package wine dealers license in conjunction with a special event within the municipality or county to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to subdivision 35-4-2(3), (5), (12), or (17A) in addition to any other license held by the special events license applicant; or
- (6) A special off-sale package malt beverage dealers license in conjunction with a special event within the municipality or county to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to subdivision 35-4-2(3), (5), (16), (17), (17A), or (20) in addition to any other license held by the special events license

applicant.

Any license issued pursuant to this section may be issued for a period of time established by the municipality or county. However, no period of time may exceed fifteen consecutive days. No public hearing is required for the issuance of a license pursuant to this section if the person applying for the license holds an on-sale alcoholic beverage license or a retail malt beverage license in the municipality or county or holds an operating agreement for a municipal on-sale alcoholic beverage license, and the license is to be used in a publicly-owned facility. The local governing body shall establish rules to regulate and restrict the operation of the special license, including rules limiting the number of licenses that may be issued to any person within any calendar year.

Section 2. That chapter 35-4 be amended by adding thereto a NEW SECTION to read as follows:

A civic, charitable, educational, fraternal, or veterans organization holding a special events license pursuant to subdivision 35-4-124(5) may accept donated wine from members of the public to be sold at the special event. A civic, charitable, educational, fraternal, or veterans organization holding a special events license pursuant to subdivision 35-4-124(6) may accept donated malt beverages from members of the public to be sold at the special event.

Any donated wine or malt beverage must have been purchased from a licensed South Dakota retailer by the donor. A complete record of the proof of the purchase of the donated wine or malt beverage from a licensed South Dakota retailer must accompany the wine or malt beverage at the time of donation, and the holder of the special events license pursuant to subdivision 35-4-124(5) or (6) shall maintain a complete record of the proof of the purchase of the donated wine or malt beverage."

Moved by: Greenfield (Brock)
Second by: Sutton
Action: Prevailed by voice vote.

MOTION: AMEND SB 120

120fa

On page 3, after line 1 of the printed bill, insert:

" Section 2. Whereas, this Act is necessary for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval."

Moved by: Greenfield (Brock)
Second by: Lederman
Action: Prevailed by voice vote.

MOTION: DO PASS SB 120 AS AMENDED

Moved by: Greenfield (Brock)
Second by: Sutton
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Bradford, Haggar (Jenna), Lederman, Novstrup (David), Sutton, Greenfield (Brock),
Curd

MOTION: AMEND TITLE OF SB 120

120fta

On page 1, line 2, of the printed bill, after "events" insert "and to declare an emergency".

Moved by: Greenfield (Brock)
Second by: Haggar (Jenna)
Action: Prevailed by voice vote.

SB 155: establish a voluntary list of disassociated persons for exclusion or removal from
licensed gaming institutions.

Presented by: Senator Angie Buhl O'Donnell (Handouts: 4, 5)
Proponents: Dale Bartscher, Family Heritage Alliance Action
Cindy Flakoll, Concerned Women of America Legislative Action Committee

MOTION: AMEND SB 155

155ra

On page 1, line 7, of the printed bill, delete "disassociated".

On page 1, line 8, after "establishment" insert "in Deadwood".

On page 1, line 9, delete everything after "shall" and insert "post on its website information
designed to inform the public of the list of excluded".

On page 1, delete line 10.

On page 1, line 14, delete "disassociated" and insert "excluded".

On page 2, line 6, delete "the state" and insert "Deadwood".

On page 2, line 7, delete "disassociated" and insert "excluded".

On page 2, line 9, delete "disassociated" and insert "excluded".

On page 2, line 10, delete everything after "in" and insert "Deadwood. Any person who has been placed on the list of excluded persons who enters a gaming establishment in Deadwood after submitting the notarized form as required pursuant to this section is guilty of a Class 2 misdemeanor.".

On page 2, delete lines 11 and 12.

On page 2, line 15, delete "disassociated" and insert "excluded".

On page 2, line 23, delete "disassociated" and insert "excluded".

On page 2, line 24, delete "confidential and".

On page 3, line 1, delete "the state" and insert "Deadwood".

On page 3, line 2, delete "the state" and insert "Deadwood".

On page 3, line 6, delete "disassociated" and insert "excluded".

On page 3, line 10, delete "the state may extend credit," and insert "Deadwood may".

On page 3, line 11, after "coupons," insert "directly".

On page 3, line 12, delete "disassociated" and insert "excluded".

Moved by: Sutton
Second by: Bradford
Action: Prevailed by voice vote.

MOTION: DO PASS SB 155 AS AMENDED

Moved by: Sutton
Second by: Bradford
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DEFER SB 155 TO THE 41ST LEGISLATIVE DAY

Moved by: Greenfield (Brock)
Second by: Lederman
Action: Prevailed by roll call vote. (4-3-0-0)

Voting Yes: Lederman, Novstrup (David), Greenfield (Brock), Curd

Voting No: Bradford, Haggard (Jenna), Sutton

SB 156: require a minimum amount of paid sick leave for employees.

Presented by: Senator Angie Buhl O'Donnell
Proponents: Representative Kevin Killer
Mark Anderson, South Dakota State Federation Of Labor Afl-Cio
Opponents: Shawn Lyons, SD Retailers Association
David Owen, South Dakota Chamber Of Commerce & Industry
Justin Smith, Sioux Falls Area Chamber Of Commerce
Michael Boyle, self
Lindsey Riter-Rapp, National Federation of Independent Business
Brenda Forman, South Dakota Association of Cooperatives
Colin Keeler, Bureau of Finance & Management
Amber Mulder, Department of Labor and Regulations
Michele Brich, South Dakota Hotel & Lodging Association
Julie Johnson, SD Society Of Human Resource Managers
Killy Kinsman, Rapid City Chamber of Commerce
Deb Mortenson, Associated General Contractors of SD

MOTION: AMEND SB 156

156ra

On page 1, line 9, of the printed bill, delete everything after "." .

On page 1, delete lines 10 to 15, inclusive.

On page 2, delete lines 1 and 2.

Moved by: Greenfield (Brock)
Second by: Haggar (Jenna)
Action: Prevailed by voice vote.

MOTION: DEFER SB 156 TO THE 41ST LEGISLATIVE DAY

Moved by: Greenfield (Brock)
Second by: Novstrup (David)
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Bradford, Haggar (Jenna), Lederman, Novstrup (David), Sutton, Greenfield (Brock),
Curd

MOTION: ADJOURN

Moved by: Greenfield (Brock)
Second by: Haggar (Jenna)
Action: Prevailed by voice vote.

Anna Wempe
Committee Secretary

R. Blake Curd, Chair